

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

*In re* Flint Water Cases.

Judith E. Levy  
United States District Judge

\_\_\_\_\_/

This Order Relates To:

ALL CASES

\_\_\_\_\_/

**OPINION AND ORDER DENYING  
MOTION TO INTERVENE [1355]**

Before the Court is a motion to intervene filed by a group of individuals who have cases pending in Michigan state court (the “*Collins* Plaintiffs”). (ECF No. 1355.) They wish to object to the proposed settlement, which the Court preliminarily approved. (ECF No. 1399.) The background and description of the Master Settlement Agreement (“MSA”) set forth in that opinion is incorporated here.

The *Collins* Plaintiffs’ state-court claims seek reimbursement for water that residential and commercial customers did not use during the Flint Water Crisis and is styled as an unjust enrichment claim. (ECF No. 1355, PageID.42018–42020.) They seek to intervene in this litigation to

argue that the settlement should include compensation for their claims. The *Collins* Plaintiffs argue that, absent a subclass specifically for their claims, their state law cases will be “wiped and nullified without consideration.” (*Id.* at PageID.42017.)

In their opposition to the *Collins* Plaintiffs, class and individual Plaintiffs argue that intervention is not necessary because the *Collins* Plaintiffs already have the right to object under both Federal Rule of Civil Procedure 23 and the Settlement Agreement.<sup>1</sup> (ECF No. 1391, PageID.53971–53972.) The Court agrees.

The MSA provides a process (described already in the Opinion and Order ECF No. 1399) by which individuals can either choose to participate in the settlement or continue to pursue their claims. If the *Collins* Plaintiffs choose to participate in the settlement program the

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<sup>1</sup> They also argue that the *Collins* Plaintiffs’ substantive objections warrant neither intervention nor rejection of preliminary approval. (ECF No. 1391, PageID.53975.) The Court need not comment on the merits of the *Collins*’ Plaintiffs objections, however, because they are premature.

MSA provides a process by which they can raise their objections.<sup>2</sup>

Accordingly, the *Collins* Plaintiffs' motion to intervene is denied.

IT IS SO ORDERED.

Dated: January 21, 2021  
Ann Arbor, Michigan

s/Judith E. Levy  
JUDITH E. LEVY  
United States District Judge

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on January 21, 2021.

s/William Barkholz  
WILLIAM BARKHOLZ  
Case Manager

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<sup>2</sup> The MSA is aligned with Federal Rule of Civil Procedure 23(e)(5), which provides for objections made by class members.